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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
IN RE LOWER MANHATTAN DISASTER SITE  
LITIGATION

Case No.: 21 MC 102(AKH)

\_\_\_\_\_  
THIS DOCUMENT APPLIES TO ALL LOWER  
MANHATTAN DISASTER SITE LITIGATION

STIPULATION OF DISCONTINUANCE AS  
TO DEFENDANTS, 90 CHURCH STREET  
LIMITED PARTNERSHIP and BOSTON  
PROPERTIES, INC., ONLY

SEE ATTACHED "EXHIBIT A"

\_\_\_\_\_  
IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties

herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendants, and to the extent of Plaintiff(s) can so stipulate that each claim, cross-claim and counter-claim asserted by and against defendants 90 CHURCH STREET LIMITED PARTNERSHIP and BOSTON PROPERTIES, INC. (hereinafter collectively referred to as "BOSTON PROPERTIES"), only as to the claims being made as to the premises located at 90 Church Street (Post Office), New York, New York for the cases listed in the attached exhibit shall be and the same hereby are discontinued without prejudice without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the course of the litigation which determines that "BOSTON PROPERTIES", are proper parties to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendants shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
February 1, 2013

McGIVNEY & KLUGER, P.C.  
Attorneys for Defendant  
90 CHURCH STREET LIMITED PARTNERSHIP  
and BOSTON PROPERTIES, INC.

GREGORY J. CANNATA & ASSOCIATES, P.C.  
Attorneys for Plaintiff(s)

By: \_\_\_\_\_

Richard E. Yoff, Esq.  
80 Broad Street, 23<sup>rd</sup> Floor  
New York, New York 10004  
(212) 509-3456

By: \_\_\_\_\_

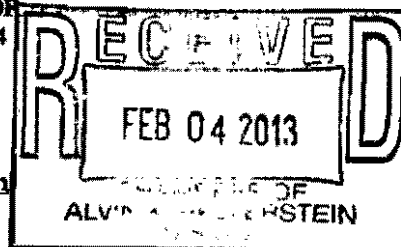
Robert Greenawald, Esq.  
233 Broadway, 3<sup>rd</sup> Floor  
New York, NY, 10279  
(212) 233 - 5400

So Ordered

*[Signature]*  
2/15/13

**EXHIBIT A**

<b>PLAINTIFF'S NAME</b>	<b>INDEX NUMBER</b>
Krysiuk, Ryszard	08CV06804

**McGIVNEY & KLUGER, P.C.**80 BROAD STREET, 23rd FLOOR  
NEW YORK, NEW YORK 10004TELEPHONE (212) 509-3456  
FACSIMILE (212) 509-4420[rlcfl@mcgivneyandkluger.com](mailto:rlcfl@mcgivneyandkluger.com)

February 4, 2013

**VIA FACSIMILE**  
(212) 805-7942Clerk of the Court  
United States District Court for  
the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Attention: Mr. Brett Edkins

**RE: In Re: World Trade Center Disaster Site Litigation,  
21 MC 102/21 MC 103 (AKH)  
90 Church Street Limited Partnership and Boston Properties**

Dear Mr. Edkins:

Our office represents the defendants 90 Church Street Limited Partnership and Boston Properties (herein collectively "Boston Properties") in the World Trade Center litigation. As against this defendant, plaintiffs have claimed alleged exposure at 90 Church Street.

The plaintiffs' firm of Gregory J. Cannata & Associates, P.C. has agreed to voluntarily dismiss the claims of one of their clients as against Boston Properties for alleged exposure at these locations without prejudice. Enclosed is a Stipulation of Dismissal with the accompanying exhibit identifying the case being dismissed for this location. We respectfully request Judge Hellerstein "So Order" same.

Thank you for your time and consideration in this matter. As always, please contact me with any questions.

Very truly yours,

McGIVNEY &amp; KLUGER, P.C.

By:  Richard B. LeffBOSTON FARMINGTON FORT LAUDERDALE FLORHAM PARK NEW YORK  
PHILADELPHIA PROVIDENCE SPARTA SYRACUSE WILMINGTON

**Brett Edkins**  
**February 4, 2013**  
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REL  
Enclosure

Cc: via email:

Robert Grochow Esq.  
Gregory J. Cannata & Associates, P.C.